

REMARKS

Reconsideration and allowance of the subject matter are respectfully requested.
Claims 1-76 are all the claims pending in the application.

Allowable Subject Matter

Applicant acknowledges the Examiner's indication that claims 7-9, 11-13 and 24-29 would be allowed if rewritten in independent form. However, Applicant respectfully requests that the Examiner hold in abeyance such rewriting until the Examiner has had an opportunity to reconsider (and withdraw) the prior art rejection of the other claims.

Indefiniteness Rejection

The Examiner has rejected claims 1-76 as allegedly being indefinite under 35 U.S.C. § 112, second paragraph. Applicant respectfully submits that the claims satisfy the requirements of 35 U.S.C. § 112, second paragraph and are patentable as written. However, Applicant amends claims 1, and 18 to further clarify the claimed invention, and respectfully submits that the rejection is moot.

Obviousness Rejections

The Examiner has rejected claims 1-6, 10, 14-23, 30-32, 34-56, 58-62 and 64-76 under 35 U.S.C. § 103(a) as being unpatentable over Polizzi et al (US 2002/0023158; hereinafter "Polizzi") in view of Brendel et al. (U.S. 5,774,600; hereinafter "Brendel"). The rejection is respectfully traversed.

Independent Claims 1, 18, 35, 68, 71 and 74

The Examiner takes the position that Polizzi discloses many of the features recited in independent claims 1, but fails to teach or suggest “connecting directly the interface module and the port module for communicating independently from the connection manager in subsequent communications.” The Examiner attempts to cure this deficiency by relying on a portion of Brendel (Fig. 6; column 9, lines 18-21) to disclose a load balancer for facilitating between a user and a remote application. The portion cited by the Examiner merely states: “FIG. 6 is a diagram of a web server which asymmetrically routes incoming traffic through a load-balancer while bypassing the load-balancer for data transmitted back to client browsers.” However, no portion of Brendel discloses a direct connection between an interface module and the port module as required by claim 1 (emphasis added). Rather, Brendel merely discloses that data can be returned to a browser without using the load-balancer.

Furthermore, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. MPEP §2143.01 *citing In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Here, no portion of Polizzi or Brendel, alone or in combination, teaches or suggests combining the prior art references. Instead, Applicant respectfully submits that modifying Polizzi’s service broker with Brendel’s alleged teachings of direct communication between Polizzi’s network interface and agents would not have been obvious for at least the following reasons.

First, Polizzi discloses that the service broker must always be interposed between the network interface and the agents.¹ The Examiner has already agreed that because of that feature of Polizzi communication cannot take place between the web browser and the database unless the service broker is always present during a communication.² Thus, if the service broker was capable of being bypassed like Brendel's load balancer, then there would be no gateway between the agents and the network interface.³

Second, Polizzi discloses that the service broker can never be bypassed because it controls the disposition of jobs to the agents within the portal system.⁴ If the agents were not controlled by the service broker, the agents would become overloaded and malfunction.⁵ Therefore, it is respectfully submitted that the modification to Polizzi's service broker by incorporating the alleged direct communication function of Brendel's load balancer would make Polizzi's system inoperable. "If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." MPEP §2143.01(V), citing *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed.Cir. 1984). Accordingly, since the proposed modification would render

¹ See Fig. 1 and para. 0021, explaining a single embodiment for a circuit arrangement of the service broker.

² This was stipulated by the Examiner in a personal interview on October 14, 2005.

³ Figures 1 and 2 further shows that the service broker is the only path for the network interface and the agents to communicate with each other.

⁴ See paragraph 0025, lines 1-5.

⁵ See para. 0024, lines 4-7.

the prior art inoperable, it is respectfully submitted that a person of ordinary skill would not have been motivated to make the asserted modification.

Further, it is respectfully submitted that it would not have been obvious to modify the references for at least the same reason to achieve all the limitations in independent claims 18, 35, 68, 71 and 74. As such, Applicant respectfully submits that claims 18, 35, 68, 71 and 74 are patentable over the cited references, and respectfully requests the Examiner to reconsider and withdraw the rejection.

Dependent Claims 2-17, 19-34, 36-67, 69-70, 72, 73, 75 and 76

Claims 2-17, 19-34, 36-67, 69-70, 72, 73, 75 and 76 are dependent on independent claims 1, 18, 35, 68, 71 and 74, respectively. Applicant submits that such claims are patentable at least by virtue of their dependency.

II. Conclusion

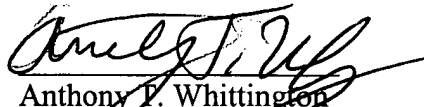
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 09/612,534

Attorney Docket No. A8646

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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